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Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Draft Plans of Action for the implementation during the period 2001-2005 of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

Report of the Secretary-General

Summary

The present draft Plans of Action for the Implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex) present an overview of the commitments and planned activities of Member States and the United Nations system in the area of crime prevention and criminal justice for the period 2001-2005. The document is being submitted in response to General Assembly resolutions 55/59 and 55/60 of 4 December 2000, in which the Assembly endorsed the Vienna Declaration and requested the Commission on Crime Prevention and Criminal Justice and the Secretary-General to take measures to implement it, respectively.

The primary focus of the draft Plans of Action is on the commitment of Member States, individually and collectively, to take effective measures against the crime problems set out in the Vienna Declaration and elsewhere. Each section has been divided into national actions and international actions, with emphasis on the former. Generally, matters set out as international actions involve commitments for the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention or other United Nations entities, while those described as national actions are matters for Member States. Commitments for United Nations entities that

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go beyond the core functions financed through regular budgets are contingent on the availability of adequate resources through voluntary contributions.

The draft Plans of Action call for action in the following major areas: (a) transnational organized crime; (b) corruption; (c) trafficking in persons and smuggling of migrants; (d) trafficking in firearms; (e) money-laundering; (f) terrorism; (g) crime prevention; (h) victims, witnesses and offenders; and (i) criminal misuse of information technologies.

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I. Background

1. On 17 April 2000, the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders[1] adopted the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex). The Vienna Declaration contains a series of commitments to respond to specific problems of crime control and crime prevention and, in paragraph 29, invites the Commission for Crime Prevention and Criminal Justice to design specific measures for the implementation of and follow-up to those commitments. (The Vienna Declaration makes specific provision for implementation time-lines or deadlines, but imposes no overall deadline. The general time-frame envisaged in the present document is 2001-2005. Where more specific references to timing appear in the Declaration or other documents providing legislative authority, these have been set out in the text.)

2. In its resolution 55/60 of 4 December 2000, the General Assembly requested the Commission to continue its consideration of the findings and recommendations embodied in the Vienna Declaration; and requested the Secretary-General to prepare, in consultation with Member States, draft plans of action to include specific measures for the implementation of and follow-up to the commitments undertaken in the Declaration.

3. The present document is submitted in response to the requests contained in the Declaration and resolution 55/60. It embodies a series of specific plans of action on the subject matter referred to in the Declaration, consolidated into a single format for convenient reference. A preliminary draft of the text was discussed at the Inter-sessional Meeting of the Commission on 16 February 2001 and comments arising from that meeting have been incorporated into the text. Comments calling for more extensive changes will be circulated for discussion at the tenth session of the Commission.

II. Summary of the draft Plans of Action

4. The draft Plans of Action set out the commitments and planned activities of Member States and the United Nations in the area of crime prevention and criminal justice for the period 2001-2005. The basis of the text is the commitments contained in the Vienna Declaration, but, where appropriate and relevant, mandates and projects not mentioned in the Declaration have also been incorporated. (Paragraph numbers in parentheses refer to the text of the Declaration.)

5. The primary focus of the Plans of Action is on the commitment of Member States, individually and collectively, to take effective measures against the crime problems described in the Declaration and elsewhere. Each section has been divided into national actions and international actions, with emphasis on the former. Generally, activities listed under "national actions" are for Member States individually, although some may apply on a regional or collective basis, while activities listed as "international actions" involve commitments for components of the Office for Drug Control and Crime Prevention of the Secretariat. Where possible, specific components such as the Centre for International Crime Prevention are identified. Where more than one component is involved, a general reference to the Office is made. Commitments for United Nations entities that go beyond the core functions financed through regular budgets are identified as contingent on the availability of adequate resources through voluntary contributions.

6. Action is called for in the following major areas:

(a) *Transnational organized crime*. States are urged to make every effort to sign and ratify the United Nations Convention against Transnational Organized Crime ("the Convention") and the protocols thereto (General Assembly resolution 55/25, annexes I-III) by the end of 2002 and to implement them as quickly as possible. The Centre for International Crime Prevention is requested to support that process before and after ratification and to support the Conference of States Parties to the Convention. States are also called upon to provide increased resources to permit the work to be carried out;

(b) *Corruption*. The major political commitment of States is to take enhanced international action against corruption, through existing instruments, a new binding global legal instrument against corruption and other measures. The Plan of Action against corruption incorporates mandates embodied both in the Vienna Declaration and recent resolutions of the General Assembly and sets out a course of action for States and the Centre leading to the negotiation, adoption, ratification and implementation of a global instrument. More general measures against corruption are also listed;

(c) *Trafficking in persons*. The plan for action against trafficking in persons calls for the ratification and implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the "Trafficking in Persons Protocol"), as quickly as possible. It also commits Member States to take further action against trafficking and more immediate steps to address those problems in the context of the global programme against trafficking in persons and calls upon them to provide voluntary contributions to support the Programme. The political commitment is to achieve a significant reduction in criminal offences relating to trafficking by 2005;

(d) *Smuggling of migrants*. The major actions called for in this area involve the signature, ratification and implementation of the Convention and its Protocol against the Smuggling of Migrants by Land, Sea and Air (the "Migrants Protocol"). To some extent, there is overlap between the commitments for action against trafficking in persons and the smuggling of migrants and the two are dealt with together in paragraph 14 of the Vienna Declaration. In consultations, some States indicated a preference for treating the two as distinct topics and for greater clarity that approach has been adopted in the draft Plans of Action;

(e) *Trafficking in firearms*. The major actions called for in this section also relate to the signature, ratification and implementation of the Convention and its Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (the "Firearms Protocol"). At the time of preliminary consultations on the draft Plans of Action, the text of the Protocol had not been finalized and the consultations were held on the basis of an interim text based on elements of the Protocol that had been finalized or had at that point enjoyed substantial support in the negotiations. The Protocol was finalized by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime at the conclusion of its twelfth session, on 2 March 2001, and the present text of the draft Plans of Action is based on that text.[2] The political commitment is to achieve a significant reduction in illicit manufacturing and trafficking by 2005;

(f) *Money-laundering*. Mandates in this area derive from two major instruments at present: the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[3] and the United Nations Convention against Transnational Organized Crime of 2000. The proposed convention against corruption is also expected to incorporate elements dealing with the tracing and recovery of proceeds. Activities in this area are expected to involve both the global programme against money-laundering and the Centre for International Crime Prevention and are generally attributed to the Office for Drug Control and Crime Prevention;

(g) *Terrorism*. The major political commitment of States in this area is to take measures against criminal activities that further terrorism. The actions called for deal with links between terrorism and crime or areas where the two overlap and involve the gathering, analysis and dissemination of information and the promotion of existing international instruments against terrorism.

(h) *Crime prevention*. The major commitment is to develop crime prevention strategies at both the national and the international levels. The actions in this area involve the sharing of best practices and the promotion of ideas and values that support proactive measures. Elements of crime prevention are also incorporated into other elements of the Plans of Action.

(i) *Victims, witnesses and offenders*. These sections also focus on the dissemination of information and promotion of values. Member States are committed to review their policies for dealing with victims by 2002;

(j) *Criminal misuse of information technologies*. This section deals with two mandates, from the General Assembly and the Tenth Congress. The major

commitment is to develop action-oriented policy recommendations, as called for by the Assembly. Also referred to are other key interests that will play a role in developing crime control policy in this area, in particular human rights and privacy interests, commercial interests and the Secretary-General's commitment to bridge the digital divide between developed and developing countries.[4] The subject of computer-related crime is also the subject of a separate report before the Commission at its tenth session (E/CN.15/2001/4).

III. Action against transnational organized crime

A. Commitments

7. The Vienna Declaration contains the following commitments:

(a) To complete the negotiation of the United Nations Convention against Transnational Organized Crime and the protocols thereto (para. 5);[5]

(b) To assist States in capacity-building with a view to facilitating the implementation of the Convention and the protocols thereto (para. 6);

(c) To strengthen the capability of the Centre for International Crime Prevention to assist States in building such capacity (para. 7 (d));

(d) Consistent with the Convention:

(i) To incorporate crime prevention into national strategies;

(ii) To enhance donor cooperation in crime prevention;

(iii) To intensify cooperation on Convention matters (para. 7).

B. Background

8. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, established by the General Assembly in its resolution 53/111 of 9 December 1998, has completed the Convention and the protocols dealing with trafficking in persons, smuggling of migrants and the illicit manufacturing of and trafficking in firearms, opening the way for the signature, ratification and implementation of those instruments by Member States.[5] The Ad Hoc Committee was requested by the Assembly in its resolution 54/127 of 17 December 1999 to consider whether to develop an international instrument on the illicit manufacturing of and trafficking in explosives by criminals.[6] Complete implementation of those instruments will be a complex process for most countries, involving the adoption of legislative, administrative and other measures, both domestically and in cooperation with other countries.

9. Technical assistance on matters of legislative and administrative reforms, operating systems and equipment will be required to facilitate the ratification and implementation process in many States. The Conference of States Parties to the Convention and the Centre for International Crime Prevention are expected to play a key role in coordinating the efforts of States and in sharing information on the status of projects, problems encountered and reforms to the instruments.

C. Objectives

Objective 1. To achieve the signature, ratification and entry into force of the Convention and the protocols thereto as soon as possible.

1. National actions

10. States that have not signed the instruments should do so as soon as possible, while those which have signed should make every effort to ratify them before the end of 2002. Ratification signifies an obligation to implement the provisions of the instruments. It also entails a broad political commitment to take effective measures to prevent, investigate and prosecute transnational organized crime and to cooperate with other States in doing so. States will:

(a) Commence development of the domestic legislative, administrative and other measures against transnational organized crime needed to implement the Convention and the protocols thereto in an effective manner;

(b) Build the capacity needed to provide the forms of assistance and cooperation to other States parties set forth in the instruments;

(c) Support the efforts of the Centre for International Crime Prevention to promote ratification through regional seminars and provide pre- and post-ratification assistance to signatory States by providing financial contributions, expertise and/or other forms of assistance;

(d) Significantly increase their overall level of extrabudgetary contributions and strengthen and broaden the Centre's donor base in order to assure the availability of adequate material and technical resources for projects in support of the Convention and the protocols thereto, as well as other projects and programmes.

2. International actions

11. Collectively, States bring each instrument into force by ratification: each instrument takes effect initially on the ninetieth day after the fortieth State has ratified and for each additional State it takes effect on the thirtieth day after that State has ratified it. Efforts on the part of States to assist one another will play a significant role in bringing each instrument into force as quickly as possible.

12. Collectively, States will promote increased international cooperation and coordination in devising ways and means of preventing and combating transnational organized crime. This will be done through specialized agencies and other entities of the United Nations system, international financial institutions and other relevant bodies. States that are members of such institutions will, through their membership, promote ways and means of preventing and combating transnational organized crime through their own technical cooperation programmes and through the institutions' frameworks for cooperation with recipient countries, for example, the United Nations Development Assistance Framework (paras. 10, 13 and 15).

13. The Centre for International Crime Prevention will actively promote signature and ratification of the Convention and the protocols thereto by:

(a) Organizing high-level seminars to increase awareness of the instruments on the part of States, intergovernmental and non-governmental organizations and other key groups or individuals;

(b) Providing expertise and assistance to States, upon request and subject to the availability of resources, both before and after they ratify the instruments.

3. Expected impact

14. The direct impact of ratification and implementation will be the adoption of domestic measures against organized crime and the establishment of an international framework for cooperation against transnational organized crime.

15. The indirect impact will be a general increase in the effectiveness of measures against transnational organized crime, with a reduction in criminal activity and the alleviation of some of its effects on both countries and individual victims. Effective measures against transnational organized crime in general are also expected to provide benefits in the fight against domestic organized crime in many States and against criminal activities in specific problem areas, such as money-laundering, trafficking in narcotics and firearms, trafficking in persons and smuggling of migrants.

Objective 2. To achieve progressive implementation of the Convention and the protocols thereto.

1. National actions

16. Each State that ratifies an instrument will adopt a series of legislative, administrative or other measures needed to give effect to its provisions, where such measures are not already in place.

17. The objective of each State will be to set effective priorities for implementation and to proceed as expeditiously as possible until all provisions of all of the instruments are in full force and operation. Specific actions will include:

(a) The development of legislation creating or strengthening offences, investigative powers, criminal procedures and other matters;

(b) Capacity-building through the strengthening of crime prevention and criminal justice systems, including the establishment or expansion of agencies responsible for the prevention, detection and control of transnational organized crime;

(c) The establishment or improvement of training programmes for judges, prosecutors, law enforcement personnel and other individuals or

agencies responsible for the prevention, detection and control of transnational organized crime;

(d) The development and sharing of information and analytical expertise on methods and activities and general trends in organized crime and on the identities, whereabouts and activities of specific individuals or groups suspected of involvement in organized crime;

(e) The general promotion of effective crime control strategies.

2. International actions

18. The Centre for International Crime Prevention will:

(a) Assist States in the development of legislation and regulations and provide other expertise or technical cooperation to facilitate the implementation of the Convention and the protocols thereto, on request and subject to the availability of resources;

(b) Assist States in the establishment or intensification of bilateral and multilateral cooperation in the areas covered by the Convention, in particular those involving the use of modern communication technologies, on request and subject to the availability of resources;

(c) Carry out the regular collection and analysis of data on transnational organized crime, in consultation with interested States;[7]

(d) Design and set up a database to permit a more comprehensive in-depth analysis of patterns, trends and geographical mapping of the strategies and activities carried out by organized crime groups, including best practices to combat transnational organized crime, in consultation with interested States;

(e) Develop a database of relevant national legislation;

(f) Support the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime in the development of rules and procedures for the Conference of the Parties to the Convention;

(g) Provide secretariat and general support to the Conference of the Parties to the Convention;[8]

(h) Prepare and service a world conference or congress to review implementation of the Convention and adopt recommendations for further action;

(i) Make increasing use of the Office for Drug Control and Crime Prevention field office network to support these activities.

3. Expected impact

19. The Convention establishes an international framework for cooperation against transnational organized crime, supplemented by additional measures against specific forms of transnational organized crime in each protocol. The progressive implementation of the instruments will result in an international framework and individual measures that increase in their scope, depth and effectiveness as more States become parties to the instruments, as implementation measures come into full force and operation and as States gain experience and expertise in using the new measures against organized criminal groups and their activities.

IV. Action against corruption

A. Commitments

20. The Vienna Declaration and relevant resolutions of the General Assembly contain the following commitments:

(a) To take enhanced international action against corruption (para. 16);[9]

(b) To conduct a thorough review and analysis of all existing international instruments against corruption (para. 16);[10]

(c) To develop, adopt, ratify and implement an effective international legal instrument against corruption;

(d) To consider supporting the global programme against corruption (para. 16);

(e) To provide for the involvement of Governments, national, regional, inter-regional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sector, in efforts to meet these commitments (para. 13).

B. Background

21. Corruption is now seen as a major obstacle to political and social stability, sustainable development, the rule of law and democratic government. Good governance and the establishment of adequate standards for such services as health, education and protection of the environment require integrity, transparency and trust between Governments and their people. That trust and the ability of Governments to set and implement their policies in an effective manner are seriously eroded or compromised by corruption. Governmental and judicial corruption deprive individuals of fairness, justice and the mechanisms that protect basic rights and hold state agencies legally accountable. Erosion of legal standards also compromises the ability of criminal laws and justice systems to control corruption itself. Corruption and the development of criminal justice measures to combat and eradicate it have been the subject of consideration by the General Assembly on several recent occasions.[11]

C. Objectives

Objective 1. To complete preparations for the negotiation of a global instrument against corruption as quickly as possible.

1. National actions

22. Individually and collectively, States will support the following:

(a) The review and analysis of existing international instruments against corruption;

(b) The establishment and deliberations of an open-ended expert group to prepare draft terms of reference for the negotiation of a future legal instrument against corruption;

(c) The adoption of those terms of reference by the General Assembly at its fifty-sixth session;

(d) The full and effective participation of developing countries, in particular least developed countries, in the work of the intergovernmental open-ended expert group and ad hoc committee. This will be done through the provision of extrabudgetary resources to the Centre for International Crime Prevention.

2. International actions

23. To assist States in these actions, the Centre for International Crime Prevention will:

(a) Obtain, review and analyse all relevant international instruments, in consultation with Member States, with a view to providing the Commission on Crime Prevention and Criminal Justice with the necessary information to support its deliberations in accordance with General Assembly resolution 55/61 of 4 December 2000 concerning a global legal instrument. That review and analysis will take the form of a report to the Commission to be drafted by the Centre and submitted to an inter-sessional meeting of the Commission prior to its tenth session, in May 2001 (para. 16);[12]

(b) Provide substantive expertise and secretariat services to the open-ended intergovernmental expert group for the preparation of terms of reference for the negotiation of an international legal instrument against corruption (para. 16);[13]

(c) Provide substantive expertise and secretariat services to the ad hoc committee for the negotiation of an international legal instrument against corruption during its preparations for the commencement of negotiations (para. 16).[14]

3. Expected impact

24. These actions will pave the way for the development of comprehensive and global measures against corruption and their adoption in the form of a binding international legal instrument.

Objective 2. To develop and adopt a binding global international legal instrument against corruption and to bring about its signature, ratification and entry into force.

25. Negotiations should take into account and build upon other relevant international instruments and the recommendations of other bodies. Subject to the completion of background materials and the terms of reference yet to be established, negotiations will commence by early 2002. They should be concluded as expeditiously as possible.

1. National actions

26. National actions will include the following:

(a) Participation in the intergovernmental open-ended expert group to examine and prepare draft terms of reference for the negotiation of the instrument;

(b) Full participation in sessions of the ad hoc committee for the negotiation of a United Nations convention against corruption established pursuant to General Assembly resolution 55/61;

(c) Promoting the full and effective participation of developing countries, in particular least developed countries, in the deliberations of the ad hoc committee;

(d) Efforts to finalize the convention as soon as possible;

(e) Commencing, as appropriate, the development of domestic legislative, administrative and other measures that facilitate the ratification and effective implementation of the proposed global convention against corruption, including both domestic measures against corruption and measures to support effective cooperation with other States.

2. International actions

27. The Centre for International Crime Prevention will:

(a) Provide substantive expertise and full secretariat services to the ad hoc committee for the negotiation of a United Nations convention against corruption in the course of its work on the proposed convention;

(b) Provide technical cooperation to facilitate ratification and implementation of the convention to requesting States, subject to the availability of resources;

(c) Assist States in the establishment or intensification of bilateral and multilateral cooperation in the areas covered by the convention;

(d) Assist States in complying with such other requirements or obligations as may be established by the convention.

3. Expected impact

28. The achievement of these objectives is expected to have the following impacts:

(a) A reduction in the opportunities for corruption and the transfer and concealment of the proceeds of corruption, leading to measurable results in the fight against corruption at the national and international levels;

(b) The establishment of effective domestic and international measures against corruption;

(c) Bringing States closer to compliance with other international instruments against corruption and to conformity with international standards for the prevention, reduction and control of corruption;

(d) Preparation of States for the negotiation of a comprehensive and binding global legal instrument against corruption;

(e) Adoption, signature, ratification and implementation of such an instrument.

Objective 3. To identify, develop and implement programmes and measures to prevent and combat corruption.

1. National actions

29. National actions should be directed at the eradication of corruption in domestic agencies and activities and the enhancement of domestic capacity to cooperate with other States in eradicating forms of transnational corruption.

30. *Domestic corruption.* National actions for addressing domestic corruption include the following:

(a) The assessment of domestic types, causes, effects and costs of corruption;

(b) The development of national strategies and action plans against corruption, based on the broad participation of stakeholders from Government and civil society;

(c) The maintenance or establishment of adequate domestic offences, investigative powers and criminal procedures to deal with corruption and related problems;

(d) The strengthening of national governance systems and institutions, in particular criminal justice institutions, to create and/or ensure greater independence from and resistance to corrupt influences;

(e) The maintenance or establishment of institutions and structures to achieve transparency and public accountability in Government, business and other key social and economic sectors;

(f) The development of expertise in anti-corruption measures and the education and training of officials about the nature and consequences of corruption and in the taking of effective measures against it.

31. *Transnational corruption.* National actions for addressing transnational corruption include the following:

(a) Signature, ratification and implementation of existing international instruments against corruption, as appropriate;

(b) Implementation of international anti-corruption measures and recommendations at the national level;

(c) Development and enhancement of domestic capacity to provide international cooperation in anti-corruption matters, including the repatriation of the proceeds of corruption (General Assembly resolutions 55/61 and 55/188);

(d) Raising awareness on the part of relevant government departments or ministries such as ministries of justice, the interior, foreign affairs and development cooperation as to the seriousness of the problems posed by transnational corruption and the need to support effective measures against it;

(e) Provision of material, technical or other support to other States in anti-corruption programmes, both directly and through financial support to the global programme against corruption;

(f) Reduction in opportunities for illegal transfer and concealment of the proceeds of corruption and increasing the opportunities to repatriate such proceeds to their countries of origin. Actions may include the implementation of measures against money-laundering in the Convention and other international instruments and the development and implementation of new measures.[15]

2. International actions

32. States will promote increased international cooperation and coordination in devising ways and means of preventing and combating corruption. Collectively, this will be done through specialized agencies and other entities of the United Nations system, international financial institutions and other relevant bodies. States that are members of such institutions will, through their membership, promote ways and means of preventing and combating corruption through their own technical cooperation programmes and through the institutions' frameworks for cooperation with recipient countries, for example, the United Nations Development Assistance Framework (paras. 10, 13 and 15).

33. The United Nations Centre for International Crime Prevention, in cooperation with the Office for Drug Control and Crime Prevention field offices and other relevant international and regional organizations, as appropriate, will:

(a) Develop a database of national assessments of corruption in a standardized format, a kit of best practices against corruption and a manual on practical measures against corruption;

(b) Provide other guidance and assistance to States that request it, subject to the availability of resources;

(c) Facilitate the establishment and implementation of best practices, norms and standards;

(d) Facilitate the sharing of experience and expertise among States;

(e) Revise and update the manual *Practical Measures against Corruption* (Economic and Social Council resolution 1995/14, para. 6);[16]

(f) Make increasing use of the Office for Drug Control and Crime Prevention field office network to support domestic and international activities against corruption.

3. Expected impact

34. The identification, development and implementation of effective programmes and measures against corruption will support the ongoing efforts of Member States and other intergovernmental organizations. It will also support the application of existing instruments against corruption and the longer-term effort to develop a new global instrument.

V. Action against trafficking in persons and smuggling of migrants

A. Commitments

35. The Vienna Declaration contains the following commitments:

(a) To reduce or eradicate the scourge of trafficking in persons, achieving a significant reduction by the year 2005 (para. 14);

(b) To reduce or eradicate the scourge of smuggling of migrants, achieving a significant reduction by the year 2005 (para. 14);

(c) To sign, ratify and implement the United Nations Convention against Transnational Organized Crime and the protocols thereto dealing with trafficking in persons and smuggling of migrants as soon as possible;[17]

(d) To develop more effective collaboration between States in dealing with matters relating to trafficking in persons and the smuggling of migrants (para. 14);

(e) To support the global programme against trafficking in persons (para. 14);

(f) To review the implementation of these commitments in places where no significant reduction in activities relating to trafficking in persons or the smuggling of migrants is achieved (para. 14).

B. Background

36. Criminal activities related to the smuggling of migrants, slavery and similar exploitative practices represent a very old social problem, but one that has been made worse in recent years by the increasing mobility of populations and the involvement of organized criminal groups. Effective action against those problems, in particular trafficking in persons, represents a major priority for the United Nations and its Member States at the beginning of the new millennium.

37. The two protocols supplementing the United Nations Convention against Transnational Organized Crime define, distinguish between and criminalize trafficking in persons and smuggling of migrants for the first time. In the case of smuggling, migrants are relocated to another country, often in dangerous or undignified circumstances, and the criminal proceeds are derived primarily from fees charged for the actual relocation of the migrants involved. In the case of trafficking, the relocation forms the basis for some form of subsequent exploitation, such as forced labour or sexual exploitation, which generates most of the proceeds. There are important differences between the two problems, but also significant areas of overlap that make either difficult to deal with in isolation.[18]

38. The protocols and the political commitment of Member States that made them possible represent a balance between the application of criminal justice measures against smugglers and traffickers and the use of prevention, protection and support measures to minimize the adverse effects on smuggled migrants and victims of trafficking. From the perspective of crime control efforts, the focus is on taking action against the traffickers and smugglers and not against the smuggled migrants or victims of trafficking.

C. Objectives

Objective 1. To make every effort to sign and ratify the Migrants Protocol and the Trafficking in Persons Protocol so that they enter into force as soon as possible.[19]

1. National actions

39. States that have not signed the instruments should do so as soon as possible. States that have signed should make every effort to ratify the instruments before the end of 2002. Ratification signifies an obligation to implement the provisions of the instruments. It also entails a broad political commitment to take effective measures to prevent, investigate and prosecute trafficking in persons and the smuggling of migrants and to cooperate with other States in doing so. Ratification requires States to take legislative, administrative and other measures against domestic criminal activities and measures that will enable them to provide the forms of assistance and cooperation to other States Parties set forth in the instruments.

2. International actions

40. Collectively, States bring each instrument into force by ratification. Each instrument takes effect initially on the ninetieth day after the fortieth State has ratified and for each additional State it takes effect on the thirtieth day after that State has ratified it. Efforts on the part of States to assist one another will play a significant role in bringing each instrument into force as quickly as possible.

41. The Centre for International Crime Prevention will actively promote signature and ratification of the Convention and the protocols thereto by organizing high-level seminars to increase awareness of the instruments on the part of States, non-governmental organizations and other key individuals and groups and by organizing, coordinating and providing expertise and assistance to States, upon request and subject to the availability of resources.

3. Expected impact

42. The direct impact of ratification and implementation will be the adoption of domestic measures against smuggling of migrants and trafficking in persons and the establishment of an international framework for cooperation against those activities.

43. The indirect impact will be a general increase in the effectiveness of measures against trafficking in persons and smuggling of migrants with a reduction in criminal activity and the alleviation of some of the effects of such crime on both countries and individual victims. Effective measures against transnational organized crime in general are also expected to provide benefits in the fight against domestic organized criminal groups involved in trafficking and smuggling in many States.

Objective 2. To take immediate and effective measures to prevent and combat trafficking in persons, to protect and assist victims of such trafficking and to promote cooperation between States in the development and implementation of such measures.

1. National actions

44. States will take the following actions:

(a) Prepare for ratification of the Trafficking in Persons Protocol and implement key elements of the Protocol as soon as possible;

(b) Endeavour to conduct and disseminate research about the nature and extent of domestic and regional trafficking activities and about the identities, means and methods of known traffickers or trafficking organizations;

(c) Endeavour to strengthen domestic laws and procedures, where necessary, in areas relevant to trafficking, including criminal offences, procedures and punishments, measures for the support and protection of victims and witnesses, and customs, immigration and border controls;

(d) Consider implementing measures to provide for the protection and physical, psychological and social recovery of victims of trafficking;[20]

(e) Support and cooperate with national and international non-governmental and other organizations and elements of civil society, as appropriate, in matters relating to trafficking in persons;[21]

(f) Review and assess the effectiveness of domestic measures against trafficking and consider making that information available for comparison and research into the development of more effective measures;[22]

(g) Endeavour to develop and disseminate public information about trafficking to educate potential victims;[23]

(h) Strengthen capacity for international cooperation to develop and implement measures against trafficking;

(i) Consider voluntary contributions to support the expansion and implementation of the global programme against trafficking in persons;

(j) Support the organization of a global forum in 2002 to review actions and to develop and implement regional strategies to achieve a significant reduction in the incidence of trafficking crimes worldwide by 2005;

(k) Provide increased resources to support the development and implementation of national and regional anti-trafficking strategies.

2. International actions

45. Collectively, States will promote increased international cooperation and coordination in devising ways and means of preventing and combating trafficking in persons. This will be done through specialized agencies and other entities of the United Nations system, international financial institutions and other relevant bodies. States that are members of such institutions will, through their membership, promote ways and means of preventing and combating trafficking in persons through their own technical cooperation programmes and through the institutions' frameworks for cooperation with recipient countries, for example, the United Nations Development Assistance Framework (paras. 10, 13 and 15).

46. The Centre for International Crime Prevention will:[24]

(a) Develop technical cooperation projects and assist selected countries and regions to implement them under the global programme against trafficking in persons, subject to the availability of resources;

(b) Develop a global database containing information about the nature and extent of trafficking and best practices for preventing and controlling it, in cooperation with the United Nations Interregional Crime and Justice Research Institute;

(c) Support the development of a global strategy and the organization of a global forum on trafficking issues;

(d) Develop tools to assess the effectiveness of measures against trafficking;

(e) Make increasing use of the Office for Drug Control and Crime Prevention field office network to support activities against trafficking in persons.

3. Expected impact

47. The development and implementation of effective measures against trafficking in persons, both in the course of implementing the United Nations Convention against Transnational Organized Crime and the Trafficking in Persons Protocol and otherwise will lead to significant decreases in trafficking activities generally and the incidence of offences relating to trafficking in persons worldwide by 2005.

48. The development and implementation of effective measures to protect and support victims of trafficking and witnesses in trafficking cases will have the following impacts:

(a) Improvements in the quality of life of victims of trafficking;

(b) Improvements in the prospects of victims for rehabilitation and reintegration into societies;

(c) More effective protection of the basic rights of victims and witnesses;

(d) Better general preservation of and support for humanitarian interests;

(e) An increase in the willingness of victims of trafficking to cooperate with national authorities in the investigation and prosecution of offenders and in programmes that prevent trafficking or protect and support other victims of trafficking.

Objective 3. To take immediate and effective measures to prevent and combat smuggling of migrants, to protect and assist smuggled migrants and to promote cooperation between States in the development and implementation of such measures.

1. National actions

49. States will take the following measures:

(a) Prepare for ratification of the Migrants Protocol and implement key elements of the Protocol as soon as possible;

(b) Endeavour to conduct and disseminate research about the nature and extent of domestic and regional activities relating to smuggling of migrants and about the identities, means and methods of known smugglers or smuggling organizations;

(c) Endeavour to strengthen domestic laws and procedures, where necessary, in areas relevant to smuggling of migrants, including criminal offences, procedures and punishments, measures for the support and protection of smuggled migrants and witnesses and customs, immigration and border controls;

(d) Consider implementing measures to protect the basic rights of smuggled migrants, to protect them from violence and to take appropriate measures in cases where the lives, safety or human dignity of

migrants are placed in jeopardy in the course of being smuggled;[25]

(e) Support and cooperate with national and international non-governmental and other organizations and elements of civil society, as appropriate, in matters relating to the smuggling of migrants;[26]

(f) Review and assess the effectiveness of domestic measures against the smuggling of migrants and consider making that information available for comparison and research into the development of more effective measures;[27]

(g) Endeavour to develop and disseminate public information about smuggling of migrants to educate officials, the general public and potential migrants about the true nature of migrant smuggling, including the involvement of organized criminal groups and the risks posed to smuggled migrants;[28]

(h) Strengthen capacity for international cooperation to develop and implement measures against the smuggling of migrants.

2. International actions

50. Collectively, States will promote increased international cooperation and coordination in devising ways and means of preventing and combating the smuggling of migrants. This will be done through specialized agencies and other entities of the United Nations system, international financial institutions and among other relevant bodies. States that are members of such institutions will, through their membership, promote ways and means of preventing and combating smuggling through their own technical cooperation programmes and through the institutions' frameworks for cooperation with recipient countries, for example, the United Nations Development Assistance Framework. Such actions should be taken with sensitivity to the needs and aspirations of legitimate migrants and with a view to combating the smuggling of migrants and not migration itself (paras. 10, 13 and 15).

51. The Centre for International Crime Prevention will:[29]

(a) Develop technical cooperation projects and assist selected countries and regions to implement them under the global programme against trafficking in persons, subject to the availability of resources;

(b) Make increasing use of the Office for Drug Control and Crime Prevention field office network to support activities against smuggling of migrants.

3. Expected impact

52. The development and implementation of effective measures against smuggling of migrants, both in the course of implementing the United Nations Convention against Transnational Organized Crime and the Migrants Protocol and otherwise, will lead to significant decreases in the smuggling of migrants and the incidence of related criminal activities worldwide by 2005, while at the same time protecting the basic rights and human dignity of migrants.

VI. Action against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition[30]

A. Commitments

53. The Vienna Declaration contains the following commitments (para. 15):

(a) To enhance international cooperation and mutual legal assistance to curb the illicit manufacturing of firearms, their parts and components and ammunition;

(b) To achieve a significant reduction in the worldwide incidence of illicit manufacturing and trafficking of firearms, their parts and components and ammunition by the year 2005.

B. Background

54. Illicit trafficking in firearms represents two major crime control problems. Firearms are not just instruments used in domestic and transnational crime, but also a major illicit commodity. When trafficked in large numbers, they can affect not only crime, but the overall domestic stability and security of States. This makes illicit manufacturing and trafficking a matter of concern not only for criminal justice systems, but also for ministries and agencies responsible for such things as national security, military or national defence matters, arms control and sustainable development.

Effective measures to prevent and control illicit manufacturing and trafficking can be developed and implemented in the context of domestic and international crime control agendas, but such measures must also take into consideration broader questions relating to security, arms control and sustainable development.

C. Objectives

Objective 1. To [adopt,] sign, ratify and implement the Convention and the Firearms Protocol as soon as possible.[31]

Objective 2. To take such other measures as are appropriate to reduce the incidence of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and related criminal activities.[32]

1. National actions

55. Achieving a significant reduction in the illicit manufacturing of and trafficking in firearms and related items will require implementation of the major elements of the Firearms Protocol, accompanied by the commitment of sufficient personnel and resources in areas such as legislative development, law enforcement, border and customs controls to ensure that those elements are applied effectively by all States parties.

56. By 2005, most Member States that have not already done so will have developed, adopted and implemented the necessary domestic legal and administrative measures, which will create an infrastructure for preventing and controlling illicit transnational traffic in firearms and related items.

57. Actions include the following legislative and other measures:

(a) The establishment of offences required by the Firearms Protocol. Additional supporting offences, such as failing to create or keep required records or failing to maintain required security standards for documents or shipments, may also be needed (see articles 5, 7, 10 and 11);

(b) Legislation establishing which items are to be considered "firearms", "parts and components" and "ammunition" for purposes of the Protocol;

(c) The establishment of licensing rules and procedures for legitimate manufacture, import, export, transit and related activities;

(d) Legislation providing for the seizure, confiscation or forfeiture and disposal of illicit firearms, their parts and components and ammunition;

(e) Requirements that records relating to the manufacture, marking, import, export and transit of firearms and, where appropriate and feasible, their parts and components and ammunition, be kept and establishment of the specific content of such regulations;

(f) Requirements that all firearms manufactured on States' territories be marked at the time and place of manufacture and that previously manufactured unmarked firearms be marked at the time of any subsequent transfer if that transfer involves import, export or transit through another State;

(g) Legal and administrative requirements to safeguard against the loss, theft or diversion of firearms;

(h) Legal or other measures to set effective standards for the deactivation or destruction of firearms and to ensure that such firearms cannot be restored to function as firearms, used as a source of parts and components for the repair or restoration of other illicit firearms or returned to legal commerce without adequate safeguards;

(i) The establishment of authorities to whom requests for information relating to illicit manufacturing or trafficking can be made by other States and who are authorized and equipped to respond to such requests;

(j) The collection and maintenance of information to assist other States in developing general legislative, administrative, investigative or other measures and relating to matters involving specific offences, offenders or firearms;

(k) The gathering, analysis and sharing of relevant information, including:

(i) Numbers and nature of offences and offenders involved in illicit manufacturing or trafficking;

(ii) Related offences such as tampering with firearm markings and violations of licensing or

authorization requirements for the import, export or transit of firearms and related items;

(iii) Relevant activities of law enforcement and customs agencies responsible for the prevention, detection and investigation of such offences;

(iv) Firearms confiscated and how they were disposed of;

(l) The preparation and dissemination of periodic national reports on the efforts of each State to reduce offences related to illicit manufacturing and trafficking and on the results achieved. The reports should contain information on such things as the methods used for identifying and tracing firearms, import/export and in-transit licensing or authorization regimes and border control measures.

2. International actions

58. International and regional actions in this area will consist largely of coordinating, assisting and facilitating the measures taken by Member States against illicit trafficking and of conducting research into the nature and scope of the problem and of efforts taken by States to control it. As in the case with other crime control or crime prevention initiatives, international activities may also include providing advice or technical assistance in domestic firearm control matters to Member States at their request.

59. The Centre for International Crime Prevention will:[33]

(a) Establish and maintain a comprehensive and up-to-date record of worldwide firearms regulations and related law enforcement practices in a format accessible to countries and relevant international organizations;

(b) Identify, describe and share information about best practices relating to the implementation of the Firearms Protocol or domestic firearm control measures;

(c) Provide technical assistance to developing countries and countries with economies in transition in developing and implementing legal and other measures to control illicit trafficking at the domestic and international levels, subject to the availability of resources;

(d) Provide assistance to signatories of the Convention and the Firearms Protocol in developing and implementing the measures required by those instruments, both prior to and after the instruments are ratified;[34]

(e) Promote training and the exchange of experience between countries in the prevention, investigation and prosecution of illicit trafficking and other firearm-related offences;

(f) Cooperate with States parties to the Protocol, the Conference of Parties to the Convention, technical experts and the firearms manufacturing community to develop and disseminate information about best practices in marking firearms and the protection of markings against tampering or removal;

(g) Support and facilitate cooperation between States parties to the Protocol and manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms in developing and implementing effective measures against illicit manufacturing and trafficking and in measures to prevent the loss, theft or diversion of legally manufactured, imported or exported firearms;

(h) Analyse information received by the Conference of States Parties to the Convention and prepare reports on its analysis for submission to the Conference;

(i) Coordinate international efforts to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

60. The Centre and the institutes of the United Nations Crime Prevention and Criminal Justice Programme network will cooperate with other intergovernmental organizations and relevant non-governmental organizations in raising general public awareness of the nature and extent of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, the problems they pose for States and their populations and the measures being taken to prevent, control and eradicate the problem.

3. Expected impact

61. The impacts of achieving this objective will include the following:

(a) A significant reduction in the worldwide incidence of illicit manufacturing and trafficking of firearms and related items by the year 2005;

(b) Greater transparency with respect to licit and illicit international transfers of firearms;

(c) Reduction in the supply of illicit firearms by actions against illicit manufacturing and trafficking, by security measures to prevent the diversion of legal firearms onto the illicit market and by technical measures to prevent the reactivation of destroyed or deactivated firearms;

(d) Firearm-related crimes, including illicit trafficking and the misuse of firearms, will be prevented and deterred by reducing the supply of illicit or untraceable firearms and by record-keeping systems that provide evidence against offenders.

VII. Action against money-laundering

A. Commitments

62. The Vienna Declaration and other instruments contain the following commitments:

(a) To develop, adopt and implement broad regimes and appropriate mechanisms to combat laundering of the proceeds of crime (para. 17);[35]

(b) To provide support to initiatives directed at cross-border financial services that allow laundering and the States and territories that offer such services (para. 17);

(c) To support the Office for Drug Control and Crime Prevention's global programme against money-laundering and other programmes or projects that support implementation of the Convention.

B. Objectives

Objective. To develop, adopt and implement effective domestic legislation, regulations and administrative measures to prevent, detect and combat domestic and transnational money-laundering in cooperation with other States, in accordance with relevant international instruments.[36]

1. National actions

63. The development and implementation of effective measures at the national level is essential to enable each State to combat domestic money-laundering activities, to avoid becoming a haven for money-laundering by foreign organized criminal groups and to cooperate effectively with other States in the international effort to combat money-laundering. Taking into account internationally accepted anti-money-laundering standards and the efforts of international and regional organizations, each State will:

(a) Adopt comprehensive measures to deal effectively with the problem of money-laundering in all its aspects with the participation of all relevant ministries, departments and agencies and in consultation with representatives of the financial sector;

(b) Ensure that domestic legislation adequately criminalizes activities and methods used to conceal, convert or transfer the proceeds of crime in order to disguise the nature or origin of the proceeds or to avoid tracing, seizure and confiscation;

(c) Ensure that adequate regulatory, inspection and investigative powers exist to monitor legitimate financial activities in order to detect and identify money-laundering activities;

(d) Ensure that adequate powers exist to permit the identification, tracing, seizure, confiscation and disposal of proceeds of crime;

(e) Ensure that adequate legal powers exist and administrative resources are available to permit timely and effective responses to be made to requests from other States in cases involving money-laundering;

(f) Support and participate in domestic and international research efforts to monitor and analyse trends in money-laundering and international policy responses;

(g) Support and participate in projects or programmes to assist other States in the development, drafting or upgrading of legislation, regulations and administrative procedures against money-laundering, including the global programme against money-laundering and other programmes or projects that support implementation of the Convention;

(h) Support and participate in projects or programmes to train officials or share expertise in combating money-laundering, such as training workshops and seminars.

2. International actions

64. Collectively, States will promote increased international cooperation and coordination in devising ways and means of preventing and combating money-laundering. This will be done through specialized agencies and other entities of the United Nations system, international financial institutions and other relevant bodies. States that are members of such institutions will, through their membership, promote ways and means of preventing and combating money-laundering through their own technical cooperation programmes and through the institutions' frameworks for cooperation with recipient countries, for example, the United Nations Development Assistance Framework (paras. 10, 13 and 15).

65. The Office for Drug Control and Crime Prevention will:

(a) Assist Member States in the drafting and implementation of national anti-money-laundering legislation and regulations;

(b) Ensure that the activities of the Office are coordinated with national measures taken to implement the relevant provisions of the Convention and other initiatives developed by other international or regional organizations to combat money-laundering;

(c) Contribute to the strengthening of mechanisms for regional and international cooperation, including such matters as drafting and assisting in the implementation of agreements for the rapid exchange of information in money-laundering and related cases and the sharing of confiscated criminal assets between States;

(d) Undertake efforts to foster the understanding and implementation of best practices in the regulation of financial services;

(e) Conduct or review in-depth research studies on national economic structures to assess the potential money-laundering risks and new money-laundering trends encountered by States or jurisdictions;

(f) Undertake efforts to raise awareness of the nature, scope and seriousness of the problem of money-laundering on the part of key officials and the general public;

(g) Encourage donor countries to continue providing support to the Global Programme against Money-Laundering and to support programmes and projects that encourage the adoption and implementation of the relevant provisions of the Convention;

(h) Seek to enlarge the spectrum of potential donors to keep pace with the expanding international effort to combat money-laundering as an element of the general strategy to combat transnational organized crime in all its forms.

3. Expected impact

66. Implementation of the objective will result in more effective tools to combat domestic and transnational aspects of money-laundering, with a consequent reduction of the ability of organized criminal groups to derive benefits from their proceeds and to dedicate illicit resources to further criminal activities. Greater awareness of the problem on the part of officials and the general public will aid in the fight against money-laundering.

VIII. Action against terrorism

A. Commitments

67. The Vienna Declaration contains the following commitments:

(a) To take effective, resolute and speedy measures with respect to preventing and combating criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations (para. 19);

(b) To foster universal adherence to international instruments concerned with the fight against terrorism (para. 19).

B. Background

68. While some aspects of the problem of international terrorism are rooted in political conflicts and as such are beyond the scope of mere criminal justice responses, there are in some cases relationships

between criminal activities and terrorist groups, which may involve such things as the use of proceeds of criminal offences to finance terrorism or the commission of criminal offences for political motives. However, the nature and extent of those relationships varies from group to group and country to country.

C. Objectives

Objective 1. To take effective, resolute and speedy measures with respect to preventing and combating criminal activities carried out for the purpose of furthering terrorism.

1. National actions

69. States will consider, inter alia, the following measures:

(a) Fostering better cooperation between anti-terrorist agencies and agencies engaged in combating crime. This may include the establishment of liaison offices or other channels of communication between counterterrorist agencies and agencies fighting crime in order to enhance information exchange;

(b) Signature and ratification of the Convention and implementation of the provisions of the Convention dealing with money-laundering and the search for and seizure and confiscation of proceeds of crime, as soon as possible;

(c) Conducting research and gathering information about international terrorism and its relationship to crime and participating in and supporting similar work at the international level.

2. International actions

70. The Terrorism Prevention Branch will:

(a) Offer analytical support by collecting information on the relationship between terrorism and related criminal activities;

(b) Continue to maintain various databases on terrorism;

(c) Maintain close links with the Centre for International Crime Prevention's global programmes in order to integrate, where feasible, information or databases dealing with terrorism and crime;

(d) In cooperation with Member States, take appropriate measures to raise public awareness of the nature and scope of international terrorism and its relationship to crime, including transnational organized crime.

Objective 2. To promote universal adherence to international instruments[37] concerned with the fight against terrorism.

1. National actions

71. States will consider the signature and ratification of conventions and protocols dealing with terrorism, the development and adoption of appropriate domestic laws and administrative procedures and the implementation of such laws and procedures to achieve effective domestic measures against terrorism and the enhancement of their ability to cooperate effectively in appropriate cases with other States when requested to do so.

2. International actions

72. The Terrorism Prevention Branch will, in cooperation with the Office of Legal Affairs of the Secretariat,[38] take steps to raise awareness of the relevant conventions and protocols, encourage States to sign and ratify such instruments, and where feasible, coordinate or provide assistance in implementing such instruments to States upon request.

IX. Action on crime prevention

A. Commitments

73. The Vienna Declaration contains the commitment to develop comprehensive crime prevention strategies at the international, national, regional and local levels to address the root causes and risk factors of crime and victimization through social, economic, health, educational and justice policies (para. 25).

B. Background

74. The wide-ranging nature and potential impact of crime prevention programmes have been widely accepted as a practical response to the problem of crime in all its forms, including organized and

transnational crime. The prevention of crime is generally more cost-effective than reactive responses and avoids the impact of criminal offences on victims and other hidden costs of crime.

C. Objectives

Objective 1. To promote and develop initiatives at the local, national and international levels that recognize the importance of crime prevention and incorporate effective crime prevention elements.

Objective 2. To share information about successful and innovative crime prevention initiatives between Member States, with a view to applying such initiatives in other countries or at the international level, as appropriate.

1. National actions

75. States will take the following measures:

(a) Assist and cooperate closely with elements of civil society in the development, adoption and promotion of crime prevention initiatives, including the funding of such initiatives;

(b) Encourage governmental and non-governmental monitoring of crime prevention programmes;

(c) Monitor and implement situational and other crime prevention programmes with due regard to the potential for the infringement of civil liberties;

(d) Maintain liaison with other Governments and non-governmental organizations with regard to successful and innovative crime prevention initiatives, which may have the potential for foreign or international application;

(e) Undertake efforts to share their specialized knowledge and expertise in crime prevention practices with other countries.

2. International actions

76. Collectively, States will promote increased international cooperation and coordination in devising ways and means of preventing crime. This will be done through specialized agencies and other entities of the United Nations system, international financial institutions and other relevant bodies. States that are members of such institutions will, through their membership, promote ways and means of crime prevention through their own technical cooperation programmes and through the institutions' frameworks for cooperation with recipient countries, for example, the United Nations Development Assistance Framework (paras. 10, 13 and 15).

77. The Centre for International Crime Prevention will:[39]

(a) Promote crime prevention expertise that has been carefully adapted from established practices to the conditions in the countries where those practices are to be implemented;[40]

(b) Monitor and respond to the rapid evolution and globalization of crime through the promotion and dissemination of innovative and effective crime prevention initiatives that take account of the impact of new technologies on crime and crime prevention;

(c) Develop technical cooperation projects in the area of crime prevention for selected countries and regions and assist in their implementation, subject to the availability of resources;

(d) Subject to the availability of resources, develop guidelines for policy makers and a handbook on practices in the area of crime prevention, based upon best available expertise and experience.

3. Expected impact

78. Successful and innovative initiatives to prevent crime in general and transnational organized crime in particular, within and between Member States, should ultimately result in the following:

(a) A reduction in the socialization and recruitment of juveniles into crime and organized criminal groups;

(b) A reduction in opportunities and demand to commit crimes, through, for example, socio-economic and reintegration measures;

(c) A reduction in the number of people and communities victimized and generally harmed by crime;

(d) An ultimate reduction in overall crime rates.

X. Action on witnesses and victims of crime

A. Commitments

79. The Vienna Declaration contains the following commitments:

(a) To introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, and to develop further victim support services (para. 27);

(b) To develop awareness campaigns on the status and interests of victims (para. 27);

(c) To consider the establishment of funds for victims (para. 27);

(d) To develop and implement witness protection policies (para. 27);

(e) To review practices relating to the interests and treatment of victims of crime by 2002 (para. 27);

(f) To endeavour to develop and implement restorative justice policies respectful of the rights, needs and interests of victims (para. 28);

(g) To take into account the special needs of female victims and witnesses in criminal justice systems (paras. 11 and 12).[41]

B. Background

80. The protection and support of victims and witnesses is recognized as an important basic element of overall crime prevention and crime control strategies. Support measures reduce the impact of crime on those most directly affected and are essential to preserving and protecting the role of victims and witnesses in the criminal justice process, in particular with respect to organized crime and specific offences such as trafficking in persons, where intimidation or retaliation may be used against those who cooperate with States in preventing, investigating or prosecuting offences.

81. Restorative justice is regarded as an alternative mode of criminal justice. It is defined as a unique response to crime, to be distinguished from both rehabilitative and retributive responses. It assumes a process whereby all the parties with a stake in a specific offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future.[42]

C. Objectives

Objective. To develop and promote domestic and international policies that mitigate the impact of crime on its victims and support the interests and roles of victims in the criminal justice process.

1. National actions

82. States will take the following measures:

(a) Ratify the Convention and the Trafficking in Persons Protocol and implement the provisions of those instruments which provide for the protection and support of victims and witnesses as soon as possible;[43]

(b) Undertake to produce national and regional studies on victims of crime in the national justice systems (paras. 25 and 27);[44]

(c) Undertake further to implement, subject to the domestic legal system of each State, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex), taking as a guide the *Handbook on Justice for Victims* and the *Guide for Policy Makers*;

(d) Take into account Economic and Social Council resolution 2000/14 of 27 July 2000, entitled "Basic principles on the use of restorative justice programmes in criminal matters", including the desirability and the means of establishing common principles;

(e) Consider sharing best practices concerning victims and witnesses with other States via web sites or other media or forums.

2. International actions

83. Collectively, States will promote increased international cooperation and coordination in devising ways and means of protecting and supporting victims and witnesses. This will be done through specialized agencies and other entities of the United Nations system, international financial institutions and other relevant bodies. States that are members of such institutions will, through their membership, promote ways and means of protecting and supporting victims and witnesses through their own technical cooperation programmes and through the institutions' frameworks for cooperation with recipient countries, for example, the United Nations Development Assistance Framework (paras. 10, 13 and 15).

84. The Centre for International Crime Prevention will:[45]

(a) Prepare for the establishment and administration of an international fund for support to victims of transnational crime;

(b) Pay particular attention to the prevention of trafficking in persons and sex tourism and to the support of victims and witnesses, especially women or children, in such cases;

(c) Exchange information on experiences in the implementation and evaluation of programmes for restorative justice;

(d) Promote best practices in crime prevention using, for example, the International Victimology Website (www.victimology.NL).

3. Expected impact

85. Supporting and protecting victims and witnesses will reduce the overall impact of crime. It will also assist in the investigation and prosecution of crime, in particular domestic and transnational organized crime, by facilitating cooperation between victims and witnesses and law enforcement and prosecution agencies.

XI. Action on the treatment of offenders

A. Commitments

86. The Vienna Declaration contains the following commitments:

(a) To promote safe and effective alternatives to incarceration, as appropriate, as a means of containing the growth and overcrowding of pre-trial and detention prison populations (para. 26);

(b) To adopt and implement countermeasures against the recruitment of juveniles by criminal groups (para. 24);

(c) To incorporate juvenile justice provisions into national development plans and international development strategies (para. 24);

(d) To include the administration of juvenile justice as an element of national funding policies for development cooperation (para. 24);

(e) To endeavour to develop and implement restorative justice policies that are respectful of the rights, needs and interests of offenders (para. 28 and Economic and Social Council resolution 2000/14);

(f) To ensure that national and international crime prevention and criminal justice strategies take into account and address any disparate impact of programmes and policies on women and men (para. 11), or on the grounds of race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status (see the Basic Principles for the Treatment of Prisoners, General Assembly resolution 45/111, annex, para. 2).

B. Background

87. The appropriate treatment of offenders, whether by incarceration or other methods, is recognized in many States as the basis of a viable balance between the interests of the punishment and deterrence of crime, the protection of individuals and societies from crime, the humanitarian and social benefits of reintegrating offenders into societies and the operation of criminal justice systems that use resources as efficiently and effectively as possible.

C. Objectives

Objective. To develop and implement national and international policies that reduce the need for incarceration and the probability of recidivism, in particular in the case of youthful or juvenile offenders.

1. National actions

88. States will consider the following measures:[46]

(a) The introduction of appropriate alternatives to imprisonment in their criminal justice systems (Economic and Social Council resolutions 1998/23, para. 1, and 1999/26);

(b) The adoption of effective measures to reduce pre-trial detention (Economic and Social Council resolution 1998/23, para. 2, and General Assembly resolution 45/110, annex, para. 6);[47]

(c) Dealing with petty offences according to customary practice where available, provided that this meets human rights requirements and that those involved so agree (Economic and Social Council resolution 1998/23, para. 3);

(d) Using amicable means to resolve petty offences among parties, for example, by using mediation, civil reparations or agreements whereby the offender compensates the victim (resolution 1998/23, para. 3);

(e) Preferring community service and other non-custodial measures to imprisonment, if possible (resolution 1998/23, para. 3, and General Assembly resolution 45/110, annex);

(f) Conducting public awareness and education campaigns to raise awareness about alternatives to imprisonment and how they work (resolution 1998/23, para. 3);

(g) Promoting a culture favourable to mediation and restorative justice among law enforcement, judicial and social authorities and local communities (resolution 1999/26, para. 5);

(h) Providing appropriate training for those involved in the implementation of restorative justice policies and programmes (resolution 1999/26);

(i) Developing specific actions and time-bound targets to address prison overcrowding, recognizing that conditions in overcrowded prisons may affect the human rights of prisoners (resolution 1999/27);

(j) Promoting measures to reduce the number of prisoners on remand and awaiting trial (resolution 1999/27);

(k) Promoting and implementing good prison practice in conformity with international standards;[48]

(l) Promoting the re-education and rehabilitation of children and young people who are in conflict with the law by encouraging, where appropriate, the use of mediation, conflict resolution conciliation and other methods of restorative justice as alternatives to judicial proceedings and custodial-based sanctions (resolution 1999/28, para. 8).

2. International actions

89. Collectively, States will promote increased international cooperation and coordination in devising ways and means of dealing with offenders. This will be done through specialized agencies and other entities of the United Nations system, international financial institutions and other relevant bodies. States that are members of such institutions will, through their membership, promote effective ways and means of dealing with offenders through their own technical cooperation programmes and through the institutions' frameworks for cooperation with recipient countries, for example, the United Nations Development Assistance Framework (paras. 10, 13 and 15).

90. Other international actions will include the following measures:

(a) Efforts by the Centre for International Crime Prevention and States to encourage international and regional financial institutions to incorporate in their technical cooperation programmes measures to reduce prison overcrowding, including the establishment of adequate infrastructure and the development of alternatives to imprisonment in their criminal justice systems (Economic and Social Council resolution 1998/23, para. 4);

(b) The exchange of information and experience on mediation and restorative justice between interested States and with international organizations and other entities (resolution 1999/26, para. 7);

(c) The development and conduct of technical cooperation projects to assist selected countries and regions in the areas of incarceration, rehabilitation and the treatment of juvenile offenders, subject to the availability of resources.

3. Expected impact

91. The impacts of successful actions regarding the treatment of offenders include the maintenance of more humane and cost-effective criminal justice systems and the prevention and reduction of crime through reduced rates of recidivism. The benefits are greatest with respect to juvenile offenders, who are more open to rehabilitation and who pose a longer-term risk of offending if not rehabilitated.

XII. Action against the criminal misuse of information technologies[49]

A. Commitments

92. The Vienna Declaration contains the following commitments:

(a) To develop action-oriented policy recommendations on the prevention and control of computer-related crime (para. 18);[50]

(b) To enhance national and international abilities to prevent, investigate and prosecute high-technology and computer-related crime (para. 18 and General Assembly resolution 55/63).

B. Background

93. The expansion of computer and telecommunications networks and related technologies provides a platform for legitimate activities, but it also creates numerous opportunities for traditional and new forms of crime. Effective measures to prevent and control crime involving those technologies are essential to preserving the social and economic benefits and ensuring that they extend equally to developed and developing countries.

94. The evolution of computer and telecommunications technologies, and hence of related forms of crime, is dynamic. The expansion of the Internet is proceeding at an ever-increasing rate and this is expected to continue in the future, especially in the developing world, where access rates are still relatively low. Controlling the resulting increase in crime will represent a major challenge for the criminal justice community, as well as those who have an interest in the technologies from other standpoints, such as sustainable development, human rights, intellectual property and electronic commerce. Developing viable policies at the national and international levels will require an acceptable balance between measures to control computer-related crime and other significant interests, including the privacy and other rights of technology users and the value of computer and telecommunications networks as media for commercial and non-commercial communications and other activities.

95. Many elements of an overall crime control strategy will be based on laws and policies developed at the national level, but the ease with which those technologies and their users transcend national borders will make essential the development of a strategy that closely coordinates between domestic and international elements. International and regional forums will be established and expanded to bring together legal and technical experts in computer and telecommunications issues, from both the public and private sectors, to develop materials in support of the fight against transnational computer-related crime. In addition to specific measures, the overall balance between effective crime control, the protection of basic human rights and the preservation of the utility of computer and telecommunications networks for commercial and other purposes will be under active consideration. This will include the search for an effective way to protect the basic rights of suspects and others in transnational computer crime investigations, taking into account the speed with which actions must be taken to be effective in such cases.

96. The role of the United Nations, the Centre for International Crime Prevention and other United Nations entities will be clarified in the coming years. Generally, the United Nations is committed to bridging what has been described as the "digital divide" between the developed and developing worlds and it is the only organization with the necessary membership and commitment to address that objective.[4]

C. Objectives

Objective 1. To prevent and control all forms of criminal misuse of information technologies, in close cooperation with the telecommunication, computer and Internet industries.

Objective 2. To develop and disseminate policy, legal, technical and other expertise and information that will assist countries at all stages of legal, social and economic development in controlling computer-related crime in order to ensure that security concerns do not become an obstacle to bridging the digital divide between developed and developing countries.

1. National actions

97. The development of a domestic strategy to prevent and combat crime involving information technologies should be conducted within the framework of broader national policies regarding such technologies. This will generally require basic policies relating to areas such as the balance between public- and private-sector control of such technologies, cooperation with other countries in technical and legal matters and the balance between the application of basic human rights such as the freedom of expression and privacy rights and the effective regulation of the technologies to maximize the benefits derived from them. Many Member States will already have adopted such policies and others will find it necessary to do so.

98. National actions may include the following measures:

(a) Criminalization of the misuse of information technologies and amendment of definitions of traditional crimes such as fraud to ensure that they apply in cases where computer and telecommunication media and networks are used to commit those offences (see General Assembly resolution 55/63, para. 1 (a));

(b) The development and implementation of legal powers, jurisdictional rules and other procedural provisions to ensure that computer- and telecommunication-related crimes can be effectively investigated at the national level and that effective cooperation can be obtained in multinational cases, taking into account the need for effective law enforcement, national sovereignty and the need to maintain effective protections for privacy and other basic rights (see resolution 55/63, paras. 1 (a) and (j)). This may include:

(i) The adjustment of rules of evidence to ensure that computer evidence can be preserved, authenticated and used in criminal proceedings;

(ii) The adoption or amendment of provisions dealing with the national and international tracing of communications;

(iii) The adoption or amendment of provisions governing the conduct of domestic and cross-border electronic searches;

(iv) The adoption or amendment of provisions dealing with the interception of communications transmitted on computer networks and similar media;

(c) Ensuring that law enforcement personnel are trained and equipped to be able to respond effectively and expeditiously to requests for assistance in the tracing of communications and other measures necessary for the investigation of transnational computer-related crimes (see resolution 55/63, para. 1 (d));

(d) Engaging in domestic and international discussions with industries involved in the development and deployment of computers, telecommunication equipment, network software and hardware and other relevant products and services. These discussions should include key areas such as:

(i) The legal, social and technical effects of technological changes;

(ii) Issues relating to domestic and international regulation of the technologies and networks;

(iii) Issues relating to the incorporation of elements intended to prevent crime or facilitate the detection, investigation or prosecution of crime into new technologies (see resolution 55/63, para. 1 (i));

(e) The making of voluntary contributions, in cooperation with the private sector, in the form of resources and technical expertise needed to assist other States in developing and implementing effective crime control and prevention measures as their populations take up the new technologies.

2. International actions

99. Collectively, States will promote increased international cooperation and coordination in devising ways and means of preventing and combating computer-related crime. This will be done through specialized agencies and other entities of the United Nations system, international financial institutions and other relevant bodies. States that are members of such institutions will, through their membership, develop and promote ways and means of preventing and combating computer-related crime, using their own technical cooperation programmes and through the institutions' frameworks for cooperation with recipient countries, for example, the United Nations Development Assistance Framework (paras. 10, 13 and 15).

100. The Centre for International Crime Prevention will:[51]

(a) Support the expansion of national and international research activities to identify new forms of offending, new patterns of offending, the effects of offending in key areas such as sustainable development, protection of privacy and electronic commerce and the legislative and other measures taken in response by developed and developing countries and the private sector;

(b) Function as the secretariat for discussions dealing with crime prevention and criminal justice issues, including the possible negotiation of an international instrument or instruments dealing with crimes involving information technologies;

(c) Prepare and disseminate internationally agreed materials such as guidelines, legal and technical manuals, minimum standards, best practices and model legislation to assist legislators and law enforcement and other authorities in the development, adoption and application of effective measures against computer-related crime and offenders both in general and in specific cases;

(d) Promote, support and implement, as appropriate, technical cooperation and assistance projects, subject to the availability of resources. Such projects would bring together experts in crime prevention, computer security offences, procedural power and legislation, prosecution, investigative techniques and related matters with States seeking information or assistance in those areas.

3. Expected impact

101. By the year 2005, ongoing discussions about the nature, extent and evolution of computer-related crime should have expanded to include all States. Steps will have been taken towards the development of a universal approach to areas such as research, criminal offences, investigative powers, other procedural measures and international cooperation.

102. The development, adoption and implementation of effective measures to prevent and control domestic and transnational crimes involving information technologies will maximize the benefits of such technologies for all Member States and their peoples.

Notes

[1] See *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000: report prepared by the Secretariat* (United Nations publication, Sales No. E.00.IV.8).

[2] As at 1 April 2001, adoption of the Protocol by the General Assembly was still pending (see the report of the Ad Hoc Committee on its twelfth session (A/55/383/Add.2)).

[3] See *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

[4] See the reports of the Secretary-General to the Millennium Assembly (A/54/2000, paras. 150-167) and on development and international cooperation in the twenty-first century: the role of information technology in the context of a knowledge-based global economy (E/2000/52).

[5] The Convention and the protocols dealing with trafficking in persons and smuggling of migrants were adopted by the General Assembly by its resolution 55/25 of 15 November 2000. A third protocol, dealing with illicit trafficking in firearms, was finalized in March 2001 and its adoption by the Assembly is still pending. The possible negotiation of a fourth protocol, dealing with illicit trafficking in explosives, is still pending (see resolution 54/127).

[6] In the same resolution the Assembly requested the Secretary-General to convene an expert group to prepare a study on the subject and to report, as early as possible, to the Commission on Crime Prevention and Criminal Justice on the results of the study.

[7] This will be done in cooperation with the United Nations Interregional Crime and Justice Research Institute and, as appropriate, other members of the United Nations Crime Prevention and Criminal Justice Programme network and other international organizations, including law enforcement agencies (e.g. the International Criminal Police Organization (Interpol) and Europol) and data providers in the different countries. The principal mechanism would be the United Nations Transnational Organized Crime Assessment Survey.

[8] Article 33 of the Convention and General Assembly resolution 55/25. Under article 1, paragraph 3, of each protocol, the Conference of the Parties to the Convention will perform a similar role with respect to the protocols.

[9] This refers to building on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (General Assembly resolution 51/191, annex), the International Code of Conduct for Public Officials (resolution 51/59, annex), as well as relevant regional conventions and regional and global forums.

[10] This is a preparatory step to the development of an international instrument.

[11] In its resolution 54/205, the General Assembly called for strengthened measures to prevent and address corruption, bribery, money-laundering and the illegal transfer of funds, and requested the Secretary-General to develop recommendations regarding the repatriation of illegally transferred funds (see also resolution 53/176). In its resolution 55/61, the Assembly requested the Secretary-General to convene an intergovernmental open-ended expert group to prepare draft terms of reference for the negotiation of a future legal instrument against corruption. In its resolution 55/188, the Assembly invited the open-ended expert group created in accordance with resolution 55/61 to consider illegally transferred funds and the question of repatriation of such funds as part of the possible terms of reference for an international instrument. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime also considered the issue of corruption pursuant to resolution 54/128.

[12] See also General Assembly resolutions 54/128, para. 8 (d), and 55/61, para. 3. In resolution 55/61, the Assembly requested that the report be submitted in time to allow Member States to provide comments to the Commission at its tenth session.

[13] See also Economic and Social Council resolution 2000/13, para. 6, and General Assembly resolution 55/61, para. 5.

[14] See also Economic and Social Council resolution 2000/13, para. 7.

[15] See General Assembly resolution 55/188, in which the Assembly calls for consideration of illegal funds transfers and the repatriation of such funds as part of the draft terms of reference for a global instrument against corruption.

[16] For the text of the original manual, see *International Review of Criminal Policy*, 1993, Nos. 41-42.

[17] The Convention contains general provisions against transnational organized crime that are expected to assist in the effort to reduce or eradicate this problem. Countries must ratify the Convention before they can ratify any of the protocols thereto: pursuant to article 37 of the Convention and article 1 of each of the protocols, no protocol can take effect until the Convention itself is in force and no State can become a party to a protocol unless it is also a party to the Convention itself.

[18] Both are dealt with together in paragraph 14 of the Vienna Declaration and the two protocols contain several common elements, notably those dealing with border measures and the security of travel documents (arts. 11 and 12 in both protocols). In an effort to recognize both the common elements and the need to distinguish between smuggling and trafficking, this section of the Plans of Action deals with the subject matter under a single background section, but with separate goals and objectives for each.

[19] Note that, in order to ratify either protocol, each State must first ratify the Convention (see footnote 17 above).

[20] The protection of victims and witnesses is dealt with in the Convention in articles 24, 25 and 29, paragraph 1 (i), and in the Protocol in articles 6-8.

[21] The Trafficking in Persons Protocol makes specific reference to cooperation with organizations and elements of civil society in the context of victim support (art. 6, para. 3) and the prevention of trafficking (art. 9, para. 3). Paragraph 14 of the Vienna Declaration makes specific reference only to the collaboration of States "with one another" to eradicate the scourge of trafficking, but does not exclude the possibility of cooperation with non-state entities, where appropriate, in order to further that overall goal.

[22] The Trafficking in Persons Protocol does not deal specifically with the review of domestic measures, but article 32, paragraph 3 (d), of the Convention calls for the review of those elements of domestic programmes considered part of the implementation of the Convention and/or Protocol. Article 32 is applied to the Protocol, mutatis mutandis, by article 1, paragraph 2, of the Protocol.

[23] Regarding the use of education as a form of crime prevention, see article 9, paragraph 2, of the Trafficking in Persons Protocol, which refers to "mass media campaigns", and article 31, paragraph 5, of the Convention, which calls for the promotion of public awareness of the threat posed by transnational organized crime in all its forms.

[24] International measures will be developed and implemented in cooperation with members of the United Nations Crime Prevention and Criminal Justice Programme network, other international organizations dealing with law enforcement and migration issues and, where appropriate, relevant non-governmental organizations. The involvement of non-governmental organizations in national and international measures in areas such as prevention, training and the support of trafficking victims is called for in articles 6, paragraph 3, and 9, paragraph 3, of the Trafficking in Persons Protocol and in article 14, paragraph 2, of the Migrants Protocol.

[25] See the Migrants Protocol, article 16, paragraphs 1 and 2, dealing with basic rights and protection from violence, as well as articles 6, paragraph 3, and 16, paragraph 3, which call for measures relating to smuggling activities that endanger lives, safety or human dignity.

[26] The Migrants Protocol makes specific reference to cooperation with organizations and elements of civil society only in the context of the training of personnel (art. 14, para. 2). It also provides for optional cooperation with "relevant international organizations" in the context of the repatriation of smuggled migrants (art. 18, para. 6). Paragraph 14 of the Vienna Declaration makes specific reference only to the collaboration of States "with one another" to eradicate the scourge of migrant smuggling, but does not exclude the possibility of cooperation with non-state entities, where appropriate, in order to further that overall goal.

[27] The Protocol does not deal specifically with the review of domestic measures, but article 32, paragraph 3 (d), of the Convention calls for the review of those elements of domestic programmes considered part of the implementation of the Convention and/or Protocol. Article 32 is applied to the Protocol, mutatis mutandis, by article 1, paragraph 2, of the Protocol.

[28] See article 15 of the Migrants Protocol. Paragraph 1 of that article refers to measures to increase public awareness of criminal involvement and the risks posed to smuggled migrants and paragraph 2 specifically refers to the development of public information for potential migrants.

[29] International measures will be developed and implemented in cooperation with members of the United Nations Crime Prevention and Criminal Justice Programme network, other international organizations dealing with law enforcement and migration issues and, where appropriate, relevant non-governmental organizations. Article 14, paragraph 2, of the Migrants Protocol calls for the involvement of non-governmental organizations in training matters and article 18, paragraph 6, provides for cooperation with intergovernmental organizations in the repatriation of smuggled migrants.

[30] Many of the national and international actions in this area derive from the Firearms Protocol. The text of this instrument was finalized by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime at its twelfth session, held in Vienna from 26 February to 2 March 2001. Pursuant to General Assembly resolutions 53/111 and 55/25, the text has been submitted to the Assembly, but will not be considered by it until after the conclusion of the tenth session of the Commission. The text of the Protocol is contained in the report of the Ad Hoc Committee on its twelfth session (A/55/383/Add.2).

[31] The United Nations Convention against Transnational Organized Crime contains general provisions against transnational organized crime that are expected to assist in the effort to reduce or eradicate this problem. Countries must ratify the parent Convention before they can ratify any of the protocols thereto; pursuant to article 37 of the Convention and article 1 of each of the protocols, no protocol can take effect until the Convention itself is in force and no State can become a party to a protocol unless it is also a party to the Convention itself.

[32] In this paragraph, the words "related criminal activities" refer to activities that contribute to or are associated with illicit manufacturing or trafficking, but do not fall within the ambit of those terms as defined in article 3 of the Firearms Protocol. Examples of this might include such offences as falsifying or illicitly obliterating, removing or altering the markings on a firearm, established by article 5, paragraph 1 (c), of the Protocol, or laundering the proceeds of illicit firearms trafficking, which falls within the offence established by article 6 of the Convention.

[33] This will be done in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other intergovernmental and relevant non-governmental organizations, as appropriate.

[34] Note that States must become parties to the Convention before they can ratify or accede to the Firearms Protocol. See footnote 17 above.

[35] See also the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex, chap. I, sect. A).

[36] In particular, the 1988 Convention, article 3, paragraph 1; General Assembly resolutions S-20/2 (Political Declaration, annex, para. 15) and S-20/4 D; and United Nations Convention against Transnational Organized Crime, articles 6, 7 and 12-14.

[37] A list of all international conventions and protocols pertaining to international terrorism as well as the parties to such instruments may be found in the report of the Secretary-General of 26 July 2000 on measures to eliminate international terrorism (A/55/179 and Add.1).

[38] The Office of Legal Affairs is responsible for legal and normative matters regarding terrorism.

[39] This will be done in cooperation with the United Nations Interregional Crime and Justice Research Institute, other members of the United Nations Crime Prevention and Criminal Justice Programme network and other international organizations.

[40] For example, the International Centre for the Prevention of Crime in Montreal, which runs a Best Practice Bureau (see www.crime-prevention-intl.org).

[41] The special needs of female victims and witnesses are seen as particularly important because victims and witnesses generally have little input into the functioning of criminal justice systems, but other areas also raise concerns. In paragraph 12 of the Declaration, Member States also express concern about the special needs of women as practitioners, prisoners and offenders.

[42] The term "restorative justice" in this context refers to a general criminological concept and is not a term of art in the context of the legal or judicial system of any individual Member State. (See, for example, T. Marshal, "The evolution of restorative justice in Britain", *European Journal on Criminal Policy and Research*, No. 4, 1996, pp. 21-43.)

[43] See articles 24 and 25 of the Convention, providing for the protection of victims and witnesses generally, and articles 6, 7 and 8 of the Trafficking in Persons Protocol, which contain additional measures to protect victims of trafficking. Note that article 37 of the Convention requires that States must be parties to the Convention before they can ratify or accede to any of the Protocols.

[44] An example of such studies is contained in M.E.I. Brienen and E. H. Hogen, *Victims of Crime in 22 European Criminal Justice Systems*, 2000, WLP/Nijmegen, The Netherlands.

[45] This will be done in cooperation with the United Nations Interregional Crime and Justice Research Institute, other members of the United Nations Crime Prevention and Criminal Justice Programme network and other international organizations.

[46] See generally the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (General Assembly resolution 45/110, annex); *Human Rights and Pre-trial Detention: A Handbook of International Standards relating to Pre-Trial Detention* (United Nations publication, Sales No. E.94.XIV.6); Economic and Social Council resolutions, 1998/23 and 1999/26, Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/111, annex); resolution 45/110; Principles for the Protection of All Persons under any Form of Detention or Imprisonment (resolution 43/173, annex); and the Code of Conduct of Law Enforcement Officials (resolution 34/169, annex).

[47] See also *Human Rights and Pretrial Detention* ..., op. cit.

[48] Standard Minimum Rules for the Treatment of Prisoners (see *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 956.IV.4), annex I.A) and General Assembly resolutions 34/169, 43/173, annex, 45/110 and 45/111, annex.

[49] The subject matter of computer-related and high technology crime is the subject of a separate Report, which is also before the tenth session of the Commission. This Report calls for further measures, including more detailed study of the problem and the possible creation of a mandate for further work in this area, which if adopted by the Commission, will necessitate corresponding changes to this segment of the Action Plan.

[50] See also General Assembly resolution 55/63, in which the Assembly takes note of the value of measures to combat the criminal misuse of information technologies.

[51] This will be done in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other intergovernmental and relevant non-governmental organizations.